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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/516,501	12/02/2004	Mitsuteru Kataoka	2004 1922A	5131
513 7590 11/23/2009 WENDEROTH, LIND & PONACK, L.L.P. 1030 15th Street, N.W., Suite 400 East Washington, DC 20005-1503				
EXAMINER				
HONG, HYUNJ				
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/516,501

Applicant(s)

KATAOKA, MITSUTERU

Examiner

Hyun J. Hong

Art Unit

2426

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 24 August 2009.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-3, 5-10 and 12-19 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-3, 5-10, 12-19 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 02 December 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB006)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notes of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

This Office Action is in response to an Amendment filed 08/24/09. Claims 1-3, 5-10, 12-19 are pending.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-3, 7-10, 14-16, 19 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hellhake (US 5,877,755) in view of Porter (US 5,659,539).

Regarding claim 1, Hellhake discloses A non-storage type broadcasting system for providing one or more services composed of a content in real-time for viewing by a user (col. 4 lines 26-51) and providing a user interface unique to each of the services (figs. 6-8), the system comprising:

transmission means (broadcast video channel) for sending out a control content (data in the form of files), which implements the user interface (col. 4, 36-65), as a part or whole of the content (col. 4 lines 36-65); and

reception means (core program) for receiving the sent content; (col. 4 lines 36-65),

a storing means for storing, among the content received by the reception means, only the control content in a predefined storage (col. 4 lines 54-56 *If the data files are loaded, they are stored temporarily in RAM or cache*); and

an execution means for activating the stored control content and executing the user interface (col. 4 lines 36-65);

wherein said transmission means includes:

a content transmission means for sending out the control content and the content, both of which are in the same format (col. 4 lines 20-24, col. 4 lines 45-52 *Control elements and content data are sent in the same file*);

Hellhake does not specifically disclose a content header addition means for adding, to the content, a content header which includes information indicating whether the content is the control content or not.

However, Porter discloses a content header addition means for adding to the content, a content header which includes information indicating whether the content is the control content or not (col. 8 lines 18-43). It would have been obvious to combine the content header of Porter into the broadcasting system of Hellhake in order to allow applications to easily distinguish between various data files.

Regarding claim 2, Hellhake discloses The non-storage type broadcasting system according to claim 1, wherein the control content (*data includes software that allows the user to browse through the available content by selecting items from a menu as shown in Fig. 7*) is a browser for the content (fig. 7, col. 6 lines 18-29).

Regarding claim 3, Hellhake discloses The non-storage type broadcasting system according to claim 1, wherein the transmission means includes:

service attribute information sending means for sending out service attribute information indicating details of the services ("file ID", fig. 6), and

wherein the reception means includes control content identification means for identifying the control content from among received contents (*the core program can determine from the file names with the aid of the software in the data*) based on the received contents and the service attribute information (col. 6 lines 4-17).

Regarding claim 7, Hellhake discloses The non-storage type broadcasting system according to claim 3,

wherein the content sending means further includes content ID space management means for sending out information which defines a partial space of an ID space of the content (fig. 7 *There are 7 selectable items which can be ID space and this space can be further defined when one of the items is selected*), and

wherein the reception means further includes identification means for identifying the control content based on whether a content ID falls within the partial space (fig. 7).

Regarding claim 8, see the rejection of claim 1.

Regarding claim 9, see the rejection of claim 2.

Regarding claim 10, see the rejection of claim 3.

Regarding claim 14, see the rejection of claim 7.

Regarding claim 15, Hellhake discloses A reception device for use in a non-storage type broadcasting system for providing one or more services composed of a

content in real-time for viewing by a user and providing a user interface unique to each of the services, the control content being transmitted in the same format as the content, the reception device comprising (see claim 1):

reception means (CPE(14)) for receiving contents transmitted from a the transmitter (col. 4 lines 20-51) ;

extraction means (CPE(14)) for demodulating the received contents and extracting the content header and the content (col. 4 lines 20-65, figs. 6-8) ; and

a storing means for storing, among the content received by the reception means, only the control content in a predefined storage (col. 4 lines 54-56 *If the data files are loaded, they are stored temporarily in RAM or cache*);

An executing means for activating the control content and executing the user interface (col. 4 lines 20-65).

Hellhake does not specifically disclose the content having added a content header which defines details of the content; control content identification means for identifying the control content from among the received contents based on the extracted content header.

However, Porter discloses the content having added a content header which defines details of the content; control content identification means for identifying the control content from among the received contents based on the extracted content header (col. 8 lines 18-43). It would have been obvious to combine the content header of Porter into the broadcasting system of Hellhake in order to allow applications to easily distinguish between various data files.

Regarding claim 16, Hellhake discloses

wherein in the non-storage type broadcasting system, the content is transmitted after being further added with, a service attribute information indicating details of the service (col. 4 lines 36-40),

wherein the extraction means further extracts the service attribute information from the received contents (col. 5 lines 36-40), and

wherein the control content identification means identifies the control content from among the received contents based on the extracted service attribute information (col. 4 lines 20-51).

Regarding claim 19, see the rejection of claim 7.

Claims 5-6, 12-13, 17-18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hellhake (US 5,877,755) in view of Porter (US 5,659,539) in view of Markandey (US 6,526,144).

Regarding claim 5, Hellhake in view of Porter does not disclose the transmission means further includes electronic signature means for applying an electronic signature to the control content, wherein the service attribute information sending means sends out a public key of the electronic signature in the service attribute information, wherein the reception means further includes signature authentication means for authenticating the electronic signature with the public key

contained in received service attribute information, and wherein the control content is identified by authenticating the electronic signature.

However, Markandey discloses the transmission means further includes electronic signature means ("Secure Hash Algorithm and Digital Signature Standard") for applying an electronic signature to the control content (col. 4 lines 44- col. 5 lines 8), wherein the service attribute information sending means sends out a public key (transmitter public key) of the electronic signature in the service attribute information (col. 4 lines 44- col. 5 lines 8) ,

wherein the reception means further includes signature authentication means for authenticating the electronic signature with the public key contained in received service attribute information (col. 4 lines 44- col. 5 lines 8), and

wherein the control content is identified by authenticating the electronic signature (col. 4 lines 44- col. 5 lines 8).

It would have been obvious to combine the signature means of Markandey into the broadcasting system of Hellhake in view of Porter. This would improve the broadcasting system by increasing security and increasing revenues by having all users pay for the available services.

Regarding claim 6, Hellhake in view of Porter does not disclose wherein the authentication by the electronic signature is performed using a key independent of each service.

However, Markandey discloses wherein the authentication by the electronic signature is performed using a key independent of each service (col. 5 lines 9-14). It

would have been obvious to combine the signature means of Markandey into the broadcasting system of Hellhake in view of Porter. This would improve the broadcasting system by increasing security and increasing revenues by having all users pay for the available services.

Regarding claim 12, see the rejection of claim 5.

Regarding claim 13, see the rejection of claim 6.

Regarding claim 17, see the rejection of claim 5.

Regarding claim 18, see the rejection of claim 6.

Response to Arguments

In response to applicant's arguments:

In the Office Action, the Examiner considers the "control elements" in Hallhake as corresponding to the control content of the present invention. Specifically, the Examiner argues that the "content and control data elements" in Hallhake are contained in the same file, and thus are sent in the same format. However, the "control elements" in Hellhake are different from the "user interface (control content)" of the present invention. This difference is clearly apparent from the sections of Hellhake noted below. Hallhake at column 4, line 21 states that "[t]he data files are displayed based upon specific control elements," and in column 4, line 45 Hallhake states that "[t]he program control elements provide the program application with the instructions" Thus, the "control elements" in Hallhake are merely to "provide instructions" to the application. Hellhake in column 5, line 65 states the control element "....instructs the CPE to perform ... program application load," which also clearly describes giving instructions.

Examiner respectfully disagrees. Claim 1 states "a transmission means for sending out a control content, which implements the user interface, as a part or a whole of a content". The control elements of the data file in Hellhake are responsible for what is displayed on the television screen (ie the placement of the selectable buttons of fig. 7, col. 4 lines 52-56). The user can interact and respond based on what is displayed on

the TV. Thus, the Hellhake reference clearly teaches that the control elements implement the user interface.

In response to applicant's arguments:

Hellhake further states that "[t]he program application data file and the content data files are transmitted to the CPE via a broadcast signal." Thus, the program application data file and the content data files are treated as separate items, and are clearly distinguished from each other for transmission. Therefore, both items (i.e., program application data file and the content data files) are not transmitted as "content," as in the present invention.

Examiner respectfully disagrees. The control elements, which represent the control content of claim 1, and content data are sent in the same file (col. 4 lines 45-51).

Therefore, the control elements and content data are transmitted as content in the same format.

In response to applicant's arguments:

Additionally, the "control elements" in Hellhake do not perform a displaying process alone. In Hellhake, displaying or the like is conducted only by "the program application"; and "the program application" conducts the displaying process by, for example, acquiring the "control elements" within a data file as parameters.

Examiner respectfully disagrees. Claim 1 states that the control content implements the user interface. The control elements of the data file in Hellhake are responsible for what is displayed on the television screen (ie the placement of the selectable buttons of fig. 7, col. 4 lines 52-56), therefore the control elements are responsible for implementing the user interface.

In response to applicant's arguments:

The "content header" in Siann is information that indicates a type of electronic media such as video or music. The electronic media disclosed in Siann corresponds to "service content." Thus, the "content header" in Siann includes information indicating the substance of the "service content," so the qualitative and technical meaning of the information (i.e., in the content header) in Siann is different from information indicating whether content is a "service content" or the "control content," as in the present invention. Additionally, Siann is also silent with regard to storing only a browser, among the content and the browser which are transmitted

Arguments are moot in view of new grounds of rejection.

Conclusion

Claims 1-3, 5-10, 12-19 are rejected.

1. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP

§ 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

Correspondence Information

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Hyun J. Hong whose telephone number is (571)270-1553. The examiner can normally be reached on M-F (9:30a-7:00p).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Joseph Hirl can be reached on (571)272-3685. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/H. J. H./
Examiner, Art Unit 2426

/Joseph P. Hirl/
Supervisory Patent Examiner, Art Unit 2426
November 19, 2009